

REMARKS

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Claims 1, 2, 4-12 and 14-29 are now present in this application. Claims 1, 11, 21, 22 and 23 are independent.

Claims 3 and 13 have been canceled, claims 21-29 have been added, and claims 1, 4, 5, 7, 11, 14, 15 and 17 have been amended. Reconsideration of this application, as amended, is respectfully requested.

Priority Under 35 U.S.C. § 119

Applicant thanks the Examiner for acknowledging Applicant's claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority document.

Drawings

Since no objection has been received, Applicant assumes that the drawings are acceptable and that no further action is necessary. Confirmation thereof in the next Office Action is respectfully requested.

Claim Amendments

Applicant has amended independent claims 1 and 11 to place the claims in better form.

Rejections under 35 U.S.C. §103

Claims 1-3, 7, 8, 11-13, 17 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over admitted prior art in view of Carmer, Jr. et al. (US 2,530,812). Further, claims 4 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over admitted prior art in view of Carmer, Jr. et al. further in view of Koteskey. These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

With regard to the rejection of claim 1, while not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicant respectfully submits that independent claim 1 has been amended to recite a combination of elements including "an opening on a side of the holding member for inserting the water supply pipe therethrough". Applicant respectfully submits that this combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record.

With regard to the rejection of claim 11, while not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicant respectfully submits that independent claim 11 has been amended to recite a combination of elements including "an opening on a side of the holding member for inserting the water supply pipe therethrough". Applicant respectfully submits that this combination of elements as set forth in independent claim 11 is not disclosed or made obvious by the prior art of record.

The Examiner states that it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the admitted prior art with the supporting details in Carmer, Jr. et al.

Applicant respectfully submits that, when combined with the admitted prior art, the supporting details 11 in Carmer, Jr. et al. do not teach the holding member in Applicant's invention. Applicant's invention teaches a holding member to prevent deformation of a pipe when the pipe is bent. In Applicant's invention, the opening of the holding member is not located along the outer curved portion or the inner curved portion, but on the side of the curved portion, wherein the view on the side of the curved portion shows both the outer curved portion and the inner curved portion. Because the pipe in Applicant's invention can deform on the outer curved portion and/or the inner curved portion when the pipe is bent, having an opening of the holding member along the outer curved portion or the inner curved portion would provide an area that can be deformed, thus undermining the advantage of Applicant's invention. The supporting details 11 in Carmer, Jr. et al. includes a slit 12 on the supporting details 11 to allow the conductor 15 to be inserted through the slit 12 on the outer curved portion of the supporting details. In Carmer, Jr. et al., having the slit 12 on the side of the curved portion would reduce the effectiveness in protecting the integrity. Moreover, because the slit has to be forced to open before allowing the conductor in, having the slit

12 on the side of the curved portion would make it difficult to insert the conductor 11 into the supporting details 11.

In addition, to rely on a reference under 35 U.S.C. § 103, the prior art must be analogous to the applicant's field of endeavor. See M.P.E.P. 2141.01(a). "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." MPEP 2141.01(a) (citing *In re Oetiker*, 977 F.2d 1443, 1446 (Fed. Cir. 1992)). Applicant's embodied invention relates to a holding member to prevent obstruction of water flow by maintaining the shape of the hollow pipe when the pipe is bent. On the contrary, Carmer, Jr. et al. relates to maintaining the integrity of the conductor 15 by preventing sharp bending of the conductor 15, where the conductor 15 is not hollow but is rather filled with a conductor wire 21, 22 and an insulation 23. Nowhere does Carmer, Jr. et al. discuss water flow through a hollow pipe that Applicant's invention focuses, but rather concerns conducting electricity via the conductor 15. Because Carmer, Jr. et al. is not an analogous art and serves different purposes in different fields of endeavor, it does not qualify as a proper reference for a rejection under 35 U.S.C. 103. Therefore, Carmer, Jr. et al. could not be the proper basis for the rejection of the claims.

Applicant respectfully submits that the combinations of elements as set forth in independent claims 1 and 11 are not disclosed or made obvious by the prior art of record, including the holding member to prevent deformation of the pipe which causes obstruction of water flow with an opening on one side of the holding member, for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

With regard to dependent claims 2, 4-10, Applicant submits that claims 2, 4-10 depend, either directly or indirectly, from independent claim 1 which is allowable for the reasons set forth above, and therefore claims 2, 4-10 are allowable based on their dependence from claim 1. With regard to dependent claims 12, 14-20, Applicant submits that claims 12, 14-20 depend, either directly or indirectly, from independent claim 11 which is allowable for the reasons set forth above, and therefore claims 12, 14-20 are allowable based on their dependence from claim 11. Reconsideration and allowance thereof are respectfully requested.

Allowable Subject Matter

The Examiner states that claims 5, 6, 9, 10, 15, 16, 19 and 20 would be allowable if rewritten in independent form.

Applicant thanks the Examiner for the early indication of allowable subject matter in this application. Objected-to claims 9 and 19 have been written into independent form as new claims 21 and 22 respectively, and should therefore be allowed. However, claims 5, 6, 9, 10, 15, 16, 19 and 20 have not been cancelled or rewritten in independent form at this time, since it is believed that independent claims 1 and 11 from which these claims depend are allowable.

Claims Added

Independent claim 23 recites a combination of elements in a support for a flexible tube including “a holding member having a first end portion and a second end portion; a curved innermost wall extending between said first end portion and said second end portion; a first holding portion proximate said first end portion, said first holding portion including a first tube receiving opening, said first holding portion configured to partially surround a flexible tube received therein; and a second holding portion proximate said second end portion, said second holding portion including a second tube receiving opening, said second holding portion configured to partially surround a flexible tube received therein, wherein said first tube receiving opening and said second tube receiving opening are located in a substantially same two-dimensional plane.” Applicant respectfully submits that this combination of elements as set forth in independent claim 23 is not disclosed or made obvious by the prior art of record.

Applicant submits that claims 24-29 depend, either directly or indirectly, from independent claim 23, and are therefore allowable based on their dependence from claim 23, which is believed to be allowable.

In addition, claims 24-29 recite further limitations which are not disclosed or made obvious by the applied prior art references.

Consideration and allowance of claims 23-29 are respectfully requested.

Additional Cited References

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but have merely been cited to show the state of the art, no comment need be made with respect thereto.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

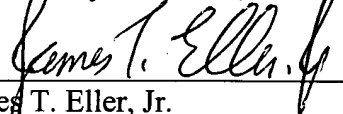
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone James T. Eller, Jr., Registration No. 39,538, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: August 4, 2006

Respectfully submitted,

By 

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